

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 251 OF 2015

NAWAJ @ SHAIKH NAWAJ S/O AHMED SHAIKH
@ SHAIKH FAYYAZ AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. R.A.Jaiswal, i/b Mr. Nilesh S. Ghanekar.

APP for Respondent No.1 : Mr. M. M. Nerlikar.

Advocate for Respondent No.2 : Mr. P. P. Uttarwar.

...

CORAM : **A. B. CHAUDHARI &
INDIRA K. JAIN, JJ.**

DATE : 05th October, 2015.

Per Court:

. Following is the prayer clause (B) in the instant petition:

“B) That, the first information report bearing Crime No. I-328 of 2014 registered with Shrirampur Police Station for the offence punishable under section 363 of Indian Penal Code may kindly be quashed and set aside.”

2 The informant - Vitthal Deoram Pangavhane on whose complaint FIR was registered is present before the Court. We have seen his affidavit in reply in which he has stoutly opposed any move to quashing his FIR by the process of compounding or compromise.

3 It is the free choice of the complainant / informant to prosecute his complaint and therefore, the question of allowing compounding or compromise does not arise.

4 The learned counsel for the Applicants submits that no offence under Section 363 is made out in view of the fact that the girl is major. Perusal of the affidavit in reply filed by the father shows that the girl was abducted. Even if she is major, it will make no difference since offence of abduction is cognizable and serious. That being so, we make the following order:

ORDER

- I. Criminal Application No.251 of 2015 is dismissed.
- II. Prayer for continuation of interim protection is rejected.

[INDIRA K. JAIN, J.]

[A. B. CHAUDHARI, J.]

ndm